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9 Attorneys for Defendant  
10 MICROSOFT CORPORATION

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12 **UNITED STATES DISTRICT COURT**  
13 **NORTHERN DISTRICT OF CALIFORNIA**  
14 **SAN JOSE DIVISION**

15 GOOGLE, INC. and KAI-FU LEE,  
16  
17 Plaintiffs,  
18 v.  
19 MICROSOFT CORPORATION,  
20 Defendant.

Case No. C 05-03095 RMW

**SUPPLEMENTAL DECLARATION  
OF MICHAEL J. BETTINGER IN  
SUPPORT OF MICROSOFT'S  
MOTION TO DISMISS, TRANSFER  
OR STAY**

Date: October 14, 2005  
Time: 9:00 a.m.  
Place: Courtroom 6  
Hon. Ronald M. Whyte

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22 I, MICHAEL J. BETTINGER, declare as follows:

23 1. I am an attorney licensed to practice in the State of California and before this  
24 Court, and am a partner in the law firm of Preston Gates & Ellis, LLP, attorneys of record for  
25 defendant Microsoft Corporation in the above-entitled action. I have personal knowledge of the  
26

1 facts stated herein and, if called as a witness, would testify as follows.

2 2. Attached hereto as Exhibit 8 is a true and correct copy of an article published in  
3 the Los Angeles Times, "Ex-Microsoft Exec Can Start at Google," dated September 30, 2005.

4 3. Attached hereto as Exhibit 9 is a true and correct copy of an article published in  
5 the China Daily, "Ex-Microsoft Executive Can Recruit for Google," dated September 15, 2005.

6 4. Attached hereto as Exhibit 10 is a true and correct copy of the Preliminary  
7 Injunction Order signed by King County Superior Court Judge Steven González dated September  
8 13, 2005.

9 I declare under penalty of perjury that the foregoing is true and correct. Executed this  
10 30<sup>th</sup> day of September, 2005 at San Francisco, California.

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13 /s/ Michael J. Bettinger

14 Michael J. Bettinger  
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